



# City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

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Mayor

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GINA PAPAN  
Councilmember

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March 12, 2021

ATTN: Boris Lipkin  
Northern California Regional Director  
California High Speed Rail Authority

Via email: Boris.Lipkin@hsr.ca.gov

***Re: City of Millbrae’s Comments on California High Speed Rail Authority’s Proposed Variant and Offer to Execute MOU and Draft 2020 Business Plan***

Dear Boris:

As you know, the City of Millbrae (“City”) previously submitted comments on the California High Speed Rail Authority’s (“Authority”) Draft San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement (“Draft EIR/EIS”) through its legal counsel on September 2, 2020. Those comments identified significant flaws in the Draft EIR/EIS, including its failure to analyze any meaningful alternatives, particularly any alternatives addressing significant impacts within the City, in violation of the California Environmental Quality Act (“CEQA”). The City’s comments also suggested a variety of alternatives for the Draft EIR/EIS to consider that may reduce noise, vibration, and other impacts within the City. Significantly, the City noted that the Draft EIR/EIS failed to analyze or disclose any potential environmental impacts to the City’s approved transit-oriented development project containing 488 multifamily residential dwelling units, including 67 affordable units (“TOD #1”). Based on the alignment proposed in the Draft EIR/EIR, the Authority would have to acquire TOD #1 by condemnation in order to build the rail section through the City.<sup>1</sup>

Following the City’s comments, the Authority reached out to the City to discuss the City’s concerns about the Draft EIR/EIS. On November 30, 2020, representatives from the City and the Authority met via video conference, and the Authority proposed the idea of a memorandum of understanding (“MOU”) between the City and the Authority where the parties

<sup>1</sup> Absent analysis of the potential impacts to TOD #1, the City does not believe that the Authority can establish that the project is planned or located in the manner that is most compatible with the greatest public good and the least private injury, as required by California’s Eminent Domain Law.

Boris Lipkin HSR Northern California Regional Director

Re: City of Millbrae's Comments on California High Speed Rail Authority's Proposed Variant and Offer to Execute MOU and Draft 2020 Business Plan

Page | 2

would agree, among other things, to an alternative track design and alignment that would reduce impacts to the City and Millbrae Station area, including preservation of the City's approved TOD #1. The Authority provided a visual of such a design to the City at the meeting (the "Variant").

The City and the Authority discussed the Variant at the meeting, including potential CEQA review and other issues that might need to be addressed in any MOU, such as inclusion of the TOD #1 property owner in the negotiations. City representatives left that meeting feeling hopeful that the parties could come to an agreement that would result in a well-designed Millbrae Station area and preservation of the critical housing in TOD #1. The City agreed to examine the proposed Variant and return to the Authority with comments.

The City is now aware that the Authority is in the process of approving its 2020 Business Plan. The 2020 Business Plan contains some false and misleading statements about the Authority's completion of a "planning agreement" with the City. At this time, the City would like to take the opportunity to formally respond to the proposed Variant and the 2020 Business Plan. The City welcomes further discussion of any of the below comments.

#### **I. City's Comments on Proposed Variant**

As the City interprets it, the Authority's proposed Variant is summarized as follows:

- A new station hall facility (150'x120') located between north of Millbrae Avenue, east of El Camino Real, and west of a realigned California Drive.
- An aerial bridge connecting this new station hall to the Millbrae Station Concourse
- California Drive to be relocated west of the City-approved precise alignment in similar location to the Authority's preferred alternative alignment location.
- Surface parking, previously included in the preferred alternative, is not included in this variant.

The City appreciates the Authority's efforts to address some of our concerns, particularly the elimination of the surface parking, however the Variant fails to adequately address one of the City's main stated concerns: impacts to the TOD #1. The City has repeatedly indicated that TOD #1 and buildout of the west side of the Millbrae Station area will provide much-needed housing for Millbrae and for the region in keeping with state-mandated housing legislation, particularly affordable housing obligations. Further, as indicated in the City's comments on the Draft EIR/EIS, the Authority's rail project will *bring additional people* to the City and actually contribute to the need for additional housing. Preservation of the City's TOD #1 area is integral to addressing the City's housing needs, and since the Authority's Draft EIR/EIS does not examine impacts to TOD #1 or provide any meaningful discussion of alternatives that could reduce TOD #1 impacts, the City is requesting that the Authority propose a variant that preserves TOD #1.

One such option that the City has repeatedly suggested is that the Authority examine a variant with underground tracks in the Millbrae Station area. The Authority has already

Boris Lipkin HSR Northern California Regional Director

Re: City of Millbrae's Comments on California High Speed Rail Authority's Proposed Variant and Offer to Execute MOU and Draft 2020 Business Plan

Page | 3

proposed to underground the tracks in the San Francisco portion of the rail project, and the Millbrae Station area with TOD #1 presents a similar, densely-populated urban area. The City understands that the Authority has received funding from the state specifically to construct this underground section, so it is not unreasonable to request that the Authority consider the feasibility of this option for the City's station. Further, the City also understands that the Authority is seeking further additional federal funding particularly in light of the new Federal administration. Now is the time to seek the funds to truly adequately address the impacts and need of the communities most directly affected by the failure to underground the tracks and station as originally envisioned and promised to the voters when the project was conceived and approved. The impacts of the Authority's current proposal and variant fall well beyond Millbrae with significant environmental and societal cost to the communities well south and north of the City.

The proposed Millbrae/SFO HSR station is the only station in San Mateo County. It will be the front door and first thing many visitors to the Bay area and California encounter and see upon entering the state and country. We have one chance to make this right and deserve a world class station and surrounding development – neither the variant nor original proposal achieve this vision. A vision voted on by California voters in 2008.

The City therefore request the following revisions to the Variant:

- Underground the tracks and station through Millbrae.
- Show a station hall on the west side of the existing Millbrae Station to be incorporated into a development planned within the Millbrae Station Area Specific Plan (MSASP) such as the approved Millbrae Serra Station project.
- Any required or replacement parking can also be accommodated and designated within the proposed adjacent development. (“Underground Variant”).

## **II. City's Comments on the Authority's Draft 2020 Business Plan**

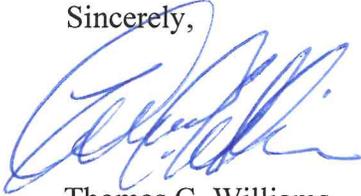
The City has two main comments on the Draft 2020 Business Plan, both of which correct the false or misleading information by the Authority:

1. Exhibit 0.0 (“Where Are We Today”) depicts a red line where high speed rail is “under construction.” The line from San Francisco to Millbrae is therefore depicted as “under construction,” and there is even an explanatory box stating that all 51 miles of the San Francisco to San Jose corridor are under construction. But this is not so. Obviously there has not even been a final EIR/EIS for this segment of the rail station.
2. On page 13 in the section titled “Planning and Developing High-Speed Rail Stations,” the Authority makes the following assertion: “To date, *we have executed or completed planning agreements with the cities* of Gilroy, Merced, Fresno, San Jose, Bakersfield, *Millbrae*, Palmdale, and Burbank, as well as the Tulare County Association of Governments and the Santa Cara Valley

Boris Lipkin HSR Northern California Regional Director  
Re: City of Millbrae's Comments on California High Speed Rail Authority's Proposed Variant and  
Offer to Execute MOU and Draft 2020 Business Plan  
Page | 4

Transportation Authority.” (Emphasis added.) The Authority has not executed or  
completed any such planning agreement with the City of Millbrae.

Sincerely,



Thomas C. Williams  
City Manager